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Attorney for Defendant
Jessie Garcia-Ochoa

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

PRICE *et al.*,

Defendant.

CASE NO. CR 12CR0114-SI

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING STATUS
CONFERENCE**

SAN FRANCISCO VENUE

Current Court Date: Sep. 21, 2012 11:00 AM

Proposed Court Date: Nov. 2, 2012 11:00 AM

Location: Courtroom 10, 19th Floor

The above-captioned case is currently scheduled for a status conference on September 21, 2012 at 11:00 a.m. However, counsel for Mr. Garcia-Ochoa is scheduled to be out of the district on that date. Also, counsel for Mr. Price is unavailable on October 12. Counsel for Mr. Garcia also understands that the Court is unavailable on October 19 and October 26. Accordingly, the parties have agreed to vacate the September 21, 2012 hearing date, and continue the status hearing to November 2, 2012 at 11:00 A.M

Furthermore, the parties stipulate and jointly request that time be excluded from the Speedy Trial Act calculations from September 21, 2012, through November 2, 2012 for continuity, effective preparation of counsel, and preparation for trial.

The parties agree that the ends of justice served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(8)(A). To date, all time has been excluded under the Speedy Trial Act, Title 18, United States Code, Section 3161 and seventy days therefore remain on the Speedy Trial clock.

IT IS SO STIPULATED

9/17/12

/s/

DATED

MELINDA HAAG
United States Attorney
Northern District of California
KEVIN BARRY
Assistant United States Attorney

9/17/12

/s/

DATED

ERICK L. GUZMAN
Attorney for Mr. Garcia-Ochoa

9/17/12

/s/

DATED

FRANK BELL
Attorney for Mr. Price

[PROPOSED] ORDER

For good cause shown, the motion hearing now scheduled for Monday, September 21, 2012 is vacated. The matter shall be added to the Court's calendar on Friday, November 2, 2012 at 11:00 A.M.

In addition, for the reasons stated above, the Court finds that an exclusion of time from September 21, 2012 through November 2, 2012 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. §3161(h)(8)(A). The failure to grant the requested continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. *See* 18 U.S.C. §3161(h)(8)(B)(iv).

IT IS SO ORDERED.

9/18/12

DATED



HON. SUSAN ILLSTON
United States District Court Judge